

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2571 OF 2019

1. Shamshuddin Yunus Shaikh,  
2. Azaruddin Yunus Shaikh ...Applicants  
V/S.  
The State of Maharashtra ...Respondent

Mr. Prashant S. Hagare, Advocate for Applicants.  
Mrs. A. A. Takalkar, APP for State / Respondent.

**CORAM : SARANG V. KOTWAL, J.**  
**DATED : 12<sup>th</sup> FEBRUARY, 2021.**

**P.C.**

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No.742 of 2019 dated 05<sup>th</sup> November 2019, registered at Baramati City Police Station, Taluka Baramati, District Pune, under Section 326, 323, 504, 506 read with 34 of the Indian Penal Code.
2. Heard Mr. Prashant S. Hagare, learned Counsel for the Applicants and Mrs. A. A. Takalkar, learned APP for the State.

3. The F.I.R. is lodged by one Bashir Nashir Khan on 05<sup>th</sup> November 2019. He had sold the Press Machine to the Applicant Shamshuddin @ Pappu Yunus Shaikh for Rs.1,35,000/-. He had received Rs.1,20,000/- and the balance was Rs.15,000/-. On 02<sup>nd</sup> November 2019, the first informant and one Mubarak Khan went to the Scrap Shop of the Applicant Shamshuddin. The informant was waiting out side and Mubarak Khan entered the shop. After sometime, the Applicant Shamshuddin heard some noise so he went there. He saw that Mubarak Khan was manhandled by Shamshuddin. At that time Applicant No.2 joined him and both of them started beating the informant with fist and kick blows. At that point, third accused Rehan Shaikh came there with an iron rod and gave a blow to the informant. The informant put up his left hand for evading that blow. It landed on his hand causing fracture. On these allegations the F.I.R. is lodged.

4. The learned Counsel for the Applicants submitted that the informant and his friend had come to the shop of

Applicant No.1. It indicates that they were the aggressors. In any case, the allegations against the present Applicants are that they were beating with fits and kick blows. They have not caused the grievous injuries.

5. The learned APP relied on the Medical Certificate which shows that the informant had suffered fracture to his hand. She therefore, opposed the grant of Anticipatory Bail.

6. I have considered this submission as narrated in the F.I.R. It appears that the informant and his friend Mubarak had gone to the shop of the present Applicant. There was no pre-meditation. The applicants were not knowing that the informant was to come to their shop. In any case, the Applicants are involved in the first part of the incident. There are allegations that they beat the informant with kicks and fist blows. Thereafter, the third accused came and gave a blow with iron rod. Therefore, it cannot be said that the Applicants had called that third accused or that they had shared a common intention with the third accused – Rehan. The grievous injuries are

specifically attributed to him.

7. The Applicants were on interim protection since 25<sup>th</sup> November 2019, therefore, after lapse of so much period, in any case, in the background of these allegations, I do not see any propriety or necessity of any custodial interrogation.

8. Hence, the Applicants have made out a case for protection of Anticipatory Bail Order.

9. Hence the following Order:

- (i) In the event of their arrest in connection with C.R. No.742 of 2019 dated 05<sup>th</sup> November 2019, registered at Baramati City Police Station, Taluka Baramati, District Pune, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**